IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Crl.Rev.Pet.No. 2709 of 2007()

CRA.632/2005 of ADDL. SESSIONS COURT (ADHOC), THRISSUR
CC.830/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD

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REVN. PETITIONER: APPELLANT/ACCUSED:

UNNI, S/O. GOPALAN,
MANALOOR VEETTIL, KODAMUCK DESOM, THOYAKAVU,
VENKITANGU VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS: RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 2709 OF 2007 C

Dated this the 20th day of July, 2007

O R D E R

Heard both sides.

2. The revision petitioner stands convicted under section 498A IPC. He was the accused in C.C.No.830/00 on the file of the JFCM, Chavakkad. The marriage between the revision petitioner and his wife PW1 was on 24.5.1983. Three children have been born in that wedlock. The husband and wife separated in the year 2002. The occurrence in this case took place prior to their separation. The case of PW1 was that on 29.5.2000 at 9 a.m. with a view to coercing her to meet his unlawful demand for dowry, the revision petitioner assaulted her and asked her to get more money from her house. Besides PW1, her daughter PW2 was also examined and she also supported the prosecution. The conviction has been entered by the courts below on an evaluation of the oral and documentary evidence in the case and this court, sitting in the rarefied revisional jurisdiction, will be loathe to interfere with the said findings and facts. I, therefore, confirm the conviction recorded under section 498A IPC.

3. What now survives for consideration is the question of adequacy or otherwise of the sentence imposed on the revision

petitioner. The courts below have imposed a sentence of rigorous imprisonment for one year and a fine of Rs.5,000/- (Rupees five thousand only) and on default to pay the fine, to suffer rigorous imprisonment for three months for the conviction under section 498A IPC.

4. Having regard to the length of the matrimonial life of the parties and the occurrence took place as a part of the usual bickering, I do not think that penal servitude by way of incarceration is warranted in this case and that interests of justice will be adequately met by directing that the 6 days imprisonment already undergone by the revision petitioner with an appropriate direction to pay compensation. Accordingly, in addition to the 6 days imprisonment already undergone by the revision petitioner, he is directed to pay a sum of Rs.10,000/- (Rupees ten thousand only) to PW1, his wife, by way of compensation under section 357(3) Cr.P.C. The said compensation amount shall be paid within one month, failing which the revision petitioner shall undergo simple imprisonment for three months by way of default sentence.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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